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Attorneys for Plaintiffs and Defendants
NATIONAL RAILROAD PASSENGER
CORPORATION (AMTRAK) and BNSF
RAILWAY COMPANY

UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SEPTEMBER 30, 2011 TRAIN
ACCIDENT

Case No. C 12-03396-RS

**STIPULATION AND ~~[PROPOSED]~~ ORDER
TO EXTEND DISCOVERY DEADLINES**

STIPULATION

The parties in this case, by and through their attorneys of record, hereby stipulate to extend the discovery deadlines set by the Court in its Scheduling Order dated October 9, 2014. This stipulation shall not affect the pre-trial conference and trial dates.

As reported in the October 2, 2014 Joint Case Management Statement, defendants reached contingent settlement agreements with 17 of the 20 claimants. Defendants have not yet reached settlement agreements with 3 claimants and the parties are now engaged in further discovery.

Good cause exists for the requested extensions because counsel for National Railroad Passenger Corporation ("Amtrak") and BNSF Railway Company ("BNSF") have been in trial in an unrelated matter since November 3, 2014 and are expected to be in trial until mid-December.

Plaintiff Michael Bailey has propounded discovery to National Railroad Passenger Corporation and BNSF Railway Company and has noticed the depositions of persons most qualified from BNSF Railway Company. Given Amtrak and BNSF's current trial schedule, this discovery cannot be completed before the current December 11, 2014 non-expert discovery cut-off deadline.

Based on the foregoing, the parties stipulate to the following discovery continuances:

1. The deadline to complete non-expert shall be extended from December 11, 2014 to **January 12, 2015.**

2. The deadline to designate experts in accordance with Rule 26(a)(2) shall be extended from January 8, 2015 to **February 9, 2015.**

3. The deadline to designate supplemental and rebuttal experts in accordance with Rule 26(a)(2) shall be extended from February 19, 2015 to **March 19, 2015.**

4. The deadline to complete all expert discovery, including depositions of expert witnesses, shall be extended from March 12, 2015 to **April 13, 2015.**

The following deadlines will not be affected and will remain unchanged:

1. Further Case Management Conference shall be held on **February 5, 2015 at 11:00 a.m.** per Dkt 69. The parties shall file a Joint Case Management Statement at least one prior to the Conference.

2. All pretrial motions shall be heard no later than **April 9, 2015.**

3. The final pretrial conference will be held on **May 7, 2015 at 10:00 a.m.** in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California, per Dkt 69.

4. A jury trial shall commence on **June 8, 2015 at 9:00 a.m.** in Courtroom 3, 17th Floor, United States Courthouse, 450 Golden Gate Avenue, San Francisco, California, per Dkt 69.

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| Dated: November 24, 2014 | LOMBARDI, LOPER & CONANT, LLP By: <u>/s/ Kara A. Abelson</u> KARA A. ABELSON Attorneys for Plaintiff/Defendants NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK and BNSF RAILWAY COMPANY |
| Dated: November 24, 2014 | POWERS & MILLER By: <u>/s/ Robert F. Bennett</u> R. JAMES MILLER ROBERT F. BENNETT Attorneys for Defendants FIDEL PINON |
| Dated: November 24, 2014 | DEMAS LAW GROUP, P.C. By: <u>/s/ John N. Demas</u> JOHN N. DEMAS Attorneys for Plaintiff MICHAEL BAILEY |

ORDER

WHEREAS, good cause exists for the relief requested herein, the Court hereby makes the foregoing Stipulation the Order of this Court.

IT IS SO ORDERED.

DATED: 11/25/14



Honorable Richard Seeborg
United States District Judge

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